

SECOND REGULAR SESSION

SENATE BILL NO. 869

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GRIESHEIMER.

Read 1st time February 1, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

4834S.011

AN ACT

To repeal section 307.365, RSMo, and to enact in lieu thereof two new sections relating to the vehicle safety inspection program, with penalty provisions for a certain section.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 307.365, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 307.356 and 307.365, to read as
3 follows:

**307.356. The superintendent of the Missouri state highway patrol
2 shall issue rules and regulations prescribing the means and methods to
3 computerize the vehicle safety inspection program to eliminate
4 unnecessary paperwork, make Missouri vehicle safety inspections more
5 efficient, effective, and fair, eliminate the need for inspection stickers
6 on vehicles, and increase consumer protection and safety. Such rules
7 and regulations shall define the equipment that official inspection
8 stations must have and what portion, if any, of the inspection fee shall
9 be used to cover the cost of computerizing the vehicle safety inspection
10 program. Any rule or portion of a rule, as that term is defined in
11 section 536.010 that is created under the authority delegated in this
12 section shall become effective only if it complies with and is subject to
13 all of the provisions of chapter 536, and, if applicable, section
14 536.028. This section and chapter 536 are nonseverable and if any of
15 the powers vested with the general assembly pursuant to chapter 536,
16 to review, to delay the effective date, or to disapprove and annul a rule
17 are subsequently held unconstitutional, then the grant of rulemaking**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 **authority and any rule proposed or adopted after August 28, 2010, shall**
19 **be invalid and void.**

307.365. 1. No permit for an official inspection station shall be assigned
2 or transferred or used at any location other than therein designated and every
3 permit shall be posted in a conspicuous place at the location designated. The
4 superintendent of the Missouri state highway patrol shall design and furnish
5 each official inspection station, at no cost, one official sign made of metal or other
6 durable material to be displayed in a conspicuous location to designate the station
7 as an official inspection station. Additional signs may be obtained by an official
8 inspection station for a fee equal to the cost to the state. Each inspection station
9 shall also be supplied with one or more posters which must be displayed in a
10 conspicuous location at the place of inspection and which informs the public that
11 required repairs or corrections need not be made at the inspection station.

12 2. No person operating an official inspection station pursuant to the
13 provisions of sections 307.350 to 307.390 may issue a certificate of inspection and
14 approval for any vehicle except upon an official form furnished by the
15 superintendent of the Missouri state highway patrol for that purpose and only
16 after inspecting the vehicle and determining that its brakes, lighting equipment,
17 signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires,
18 wheels, exhaust system, glazing, air pollution control devices, fuel system and any
19 other safety equipment as required by the state are in proper condition and
20 adjustment to be operated upon the public highways of this state with safety to
21 the driver or operator, other occupants therein, as well as other persons and
22 property upon the highways, as provided by sections 307.350 to 307.390 and the
23 regulations prescribed by the superintendent of the Missouri state highway
24 patrol. Brakes may be inspected for safety by means of visual inspection or
25 computerized brake testing. No person operating an official inspection station
26 shall furnish, loan, give or sell a certificate of inspection and approval to any
27 other person except those entitled to receive it under provisions of sections
28 307.350 to 307.390. No person shall have in such person's possession any
29 certificate of inspection and approval and/or inspection sticker with knowledge
30 that the certificate and/or inspection sticker has been illegally purchased, stolen
31 or counterfeited.

32 3. The superintendent of the Missouri state highway patrol may require
33 officially designated stations to furnish reports upon forms furnished by the
34 superintendent for that purpose as the superintendent considers reasonably

35 necessary for the proper and efficient administration of sections 307.350 to
36 307.390.

37 4. If, upon inspection, defects or unsafe conditions are found, the owner
38 may correct them or shall have them corrected at any place the owner chooses
39 within twenty days after the defect or unsafe condition is found, and shall have
40 the right to remove the vehicle to such place for correction, but before the vehicle
41 is operated thereafter upon the public highways of this state, a certificate of
42 inspection and approval must be obtained. The inspecting personnel of the
43 official inspection station must inform the owner that the corrections need not be
44 made at the inspection station.

45 5. A fee, not to exceed ~~[twelve]~~ **fifteen** dollars, as determined by each
46 official inspection station, may be charged by an official inspection station for
47 each official inspection including the issuance of the certificate of inspection and
48 approval, sticker, seal or other device and a total fee, not to exceed ten dollars,
49 as determined by each official inspection station, may be charged for an official
50 inspection of a trailer or motorcycle, which shall include the issuance of the
51 certificate of inspection and approval, sticker, seal or other device. Such fee shall
52 be conspicuously posted on the premises of each such official inspection station.
53 No owner shall be charged an additional inspection fee upon having corrected
54 defects or unsafe conditions found in an inspection completed within the previous
55 twenty consecutive days, excluding Saturdays, Sundays and holidays, if such
56 follow-up inspection is made by the station making the initial inspection. Every
57 inspection for which a fee is charged shall be a complete inspection, and upon
58 completion of the inspection, if any defects are found the owner of the vehicle
59 shall be furnished a list of the defects and a receipt for the fee paid for the
60 inspection. If the owner of a vehicle decides to have any necessary repairs or
61 corrections made at the official inspection station, the owner shall be furnished
62 a written estimate of the cost of such repairs before such repairs or corrections
63 are made by the official inspection station. The written estimate shall have
64 plainly written upon it that the owner understands that the corrections need not
65 be made by the official inspection station and shall have a signature line for the
66 owner. The owner must sign below the statement on the signature line before
67 any repairs are made.

68 6. Certificates of inspection and approval, sticker, seal or other device
69 shall be purchased by the official inspection stations from the superintendent of
70 the Missouri state highway patrol. The superintendent of the Missouri state

71 highway patrol shall collect a fee of [one dollar and fifty cents] **two dollars** for
72 each certificate of inspection, sticker, seal or other device issued to the official
73 inspection stations, except that no charge shall be made for certificates of
74 inspection, sticker, seal or other device issued to official inspection stations
75 operated by governmental entities. All fees collected shall be deposited in the
76 state treasury with one dollar **and fifty cents** of each fee collected credited to
77 the state highway fund and, for the purpose of administering and enforcing the
78 state motor vehicle laws and traffic regulations, fifty cents credited to the
79 "Highway Patrol Inspection Fund" which is hereby created. The moneys collected
80 and deposited in the highway patrol inspection fund shall be expended subject to
81 appropriations by the general assembly for the administration and enforcement
82 of sections 307.350 to 307.390 by the Missouri state highway patrol. The
83 unexpended balance in the fund at the end of each biennium exceeding the
84 amount of the appropriations from the fund for the first two fiscal years shall be
85 transferred to the state road fund, and the provisions of section 33.080, RSMo,
86 relating to the transfer of funds to the general revenue fund at the end of the
87 biennium, shall not apply to the fund.

88 7. The owner or operator of any inspection station who discontinues
89 operation during the period that a station permit is valid or whose station permit
90 is suspended or revoked shall return all official signs and posters and any current
91 unused inspection stickers, seals or other devices to the superintendent of the
92 Missouri state highway patrol and shall receive a full refund on request except
93 for official signs and posters, provided the request is made during the calendar
94 year or within sixty days thereafter in the manner prescribed by the
95 superintendent of the Missouri state highway patrol. Stations which have a valid
96 permit shall exchange unused previous year issue inspection stickers and/or
97 decals for an identical number of current year issue, provided the unused stickers
98 and/or decals are submitted for exchange not later than April thirtieth of the
99 current calendar year, in the manner prescribed by the superintendent of the
100 Missouri state highway patrol.

101 8. Notwithstanding the provisions of section 307.390 to the contrary, a
102 violation of this section shall be a class C misdemeanor.

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